

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.1172 OF 2023 IN
FIRST APPEAL (ST.) NO.6960 OF 2019**
(VI.D.C. Vs. Husan Ahmad Gulab Dastgir and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Pranav Deshmukh, Advocate for the appellant.
Ms J. Junghare, Advocate h/f Ms B.V. Reddy, Advocate for R. No.1.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 20, 2023.

Heard.

2. Present application is filed for correcting the name of the original claimant – respondent No.1 in Lower Court record as well as in the appeal memo.

3. As per the contention of the appellant, the name of respondent No.1 was mentioned as “Husan Ahmad Gulab Dastgir” whereas his name on the Adhar Card is shown as “Sheikh Hasan Ahemed Gulam Dastagir”.

4. The omission which is typographical in nature, the respondent No.1 is permitted to correct the Lower Court record.

5. The appellant has to carry out the necessary amendment in the appeal memo.

6. In view of that the civil application is disposed of.

CIVIL APPLICATION NO.1173 OF 2023.

Heard.

2. By this application, respondent No.1 is seeking permission for withdrawal of the amount on the ground that the land is already acquired and now he has no source of income. He was dependent on the income of the said land. Due to the acquisition of the land he is facing financial crisis, and therefore, he be permitted to withdraw the compensation amount.

3. Said application is strongly opposed by the appellant on the ground that the appellant has challenged the judgment and award as compensation awarded is excessive and exorbitant one.

4. Considering the reasons mentioned in the application and the objection raised, it will be appropriate to permit respondent No.1 to withdraw 75% of the amount along with accrued interest on usual undertaking. The amount be disbursed on due identification and verification.

5. Civil application is disposed of.

CIVIL APPLICATION NO.1880 OF 2019

Heard.

2. Present application is by the appellant for seeking condonation of delay of 351 days.

3. As per the contention of the appellant, the appellant is a statutory body who has to obtain the necessary permission and approval before filing of the appeal which was not received in time, and therefore, delay of 351 days is caused in preferring the appeal.

4. Learned Counsel for respondent No.1 and learned Assistant Government Pleader for the State have no objection for condoning the delay.

5. In view of the reasons mentioned in the application, the delay is condoned.

6. The application is disposed of accordingly.

FIRST APPEAL (ST.) NO.6960 OF 2019

Heard.

2. Appeal be registered.

3. **ADMIT.**

4. Ms Junghare, learned Counsel for respondent No.1 and Ms Udeshi, learned Assistant Government Pleader for respondent No.2, waive notice.

5. Call for R. & P.

6. The appellant to file the paper book within ten weeks after receipt of R. & P.

7. The appeal be placed after filing of the paper book and its verification, as per its turn.

CIVIL APPLICATION NO.1881 OF 2019

Heard.

2. By this application, the appellant is seeking stay to the effect, operation and implementation of the impugned judgment and award dated 01/07/2017 passed by the Civil Judge, Senior Division, Link Court, Mangrulpir in L.A.C. No.72/2014.

3. Shri Deshmukh, learned Counsel submitted that the amount of compensation is already deposited.
4. In view of the statement made, the effect, operation and implementation of the impugned judgment and award be stayed till final disposal of the appeal.
5. The civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*